

August 15, 2006

Governors Resist Shifting Authority Over Guard

By JENNIFER STEINHAUER

LOS ANGELES, Aug. 14 — In an unusual act of bipartisan and regional unanimity, 51 governors have joined to voice their strong opposition to legislation to let the president federalize National Guard troops in a disaster without local authorities' consent.

In a letter to Congressional leaders last week, the governors detailed their argument that the measure, drawn up after Hurricane Katrina and tucked into a military authorization bill that the House recently passed, would undermine their authority and autonomy.

"This provision was drafted without consultation or input from governors," read the letter, conceived in large part by Gov. Mike Huckabee of Arkansas, a Republican, "and represents an unprecedented shift in authority from governors as Commanders and Chief of the Guard to the federal government.

"We take very seriously our constitutional duty to protect our citizens and lead our guard. We are responsible for the safety and welfare of our citizens and are in the best position to coordinate all resources to prepare for, respond to and recover from disasters."

Many local officials, including Gov. Arnold Schwarzenegger of California, have been critical of what they describe as federal interference with their National Guard forces. That includes President Bush's order last spring that the Guard help shore up the Border Patrol as Washington works to hire 6,000 agents in an effort to increase border security.

Although the president already has the authority to call up any branch of the reserves into involuntary service in the case of a terrorist attack overseas or the use of unconventional weapons, that power does not extend to natural or man-made disasters.

The bill in Congress would extend the president's power to such disasters.

The administration has been criticized by some conservative lawmakers and policy experts as chipping away at states' rights. "I think it is apparent that it is a federalism issue when you have this sort of outcry from state governors across party lines," said Gene Healy, senior editor at the Cato Institute, a libertarian research group. "It is not clear anymore that federalism is a priority for the Republican Party except for rhetorically."

Mr. Healy cited the federal government's reach into education, marriage and crime, which he called "quintessential local issues."

A spokesman for the Pentagon, Bryan Whitman, said the governors from all the states and Puerto Rico simply did not understand the measure. Mr. Whitman described the bill as an effort to give more power to the federal government without eroding that of the states.

"No one is attempting to wrest control of the National Guard," he said, citing Hurricane Katrina as an event that led to the measure. "What this section is aimed at doing is providing the president with increased authority, discretionary authority to call upon the dedicated reserves to help citizens at a time of disasters."

A spokeswoman for Mr. Schwarzenegger, a Republican who has broken ranks with the administration over numerous policies, said a governor was better positioned than Washington to assess when the Guard was needed.

"The governor takes his role as commander and chief of the National Guard very seriously," the spokeswoman, Margita Thompson, said. "We have fires to respond to in light of the situation last week."

"With the terrorist threat, we need the help of the Guard again, and we are providing assistance to the federal government as a result of their inability to secure the border. This governor is not going to be supportive of anything that weakens his role."